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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,845	GILBERT ET AL.	
	Examiner	Art Unit	
	M GOOD JOHNSON	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/15/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 15-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 15 recited a graphic display editor which fails to fall within one of the four statutory categories of subject matter of a process, machine, manufacture or composition of matter and therefore is non-statutory subject matter.

2. Claims 26-37 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

Claims 26-37 recite a graphical display, which would fall under the statutory category of a machine, however the claims are directed to a process and therefore not supported by a specific and substantial asserted utility.

Claims 26-37 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8-15, 20-26 and 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Resnick et al., U.S. Patent Number 7,086,009 B2.

Regarding claim 1, Resnick discloses a display entity for use in presenting a visual depiction of a process entity of a process plant to a user on a display device (figure 11), the display entity comprising: a computer readable memory (PC 100 and 102, it is inherent that PC's have computer readable memory); and, a display object stored on the computer readable memory and adapted to be executed on a processor (col. 7, lines 30-48), the display object including: a property memory adapted to store a value of a property associated with the process entity(col. 11, lines 29-67); a graphic representation of the process entity adapted to be displayed to a user on a display device when the display object is executed on a processor (col. 12, lines 5-11); a definition routine adapted to enable a user to define a routine that operates in conjunction with the visual representation of one of the graphic objects and the property during execution of the graphic display (col. 29, line 61- col. 30, line 26); and a routine

that operates in conjunction with the graphic representation of the process entity displayed to the user and that is associated with the value of the property (col. 30, line 50 – col. 31, line 16).

Regarding claim 8, Resnick et al. discloses reference that connects a property value to a data source within the process plant (figures 12-20).

Regarding claims 9, 20, 32, Resnick et al. disclose the routine is an executable routine that transforms the property value from the data source within the process plant (figure 10, which shows a process plant with fill bins and alerts to alarming conditions, which Examiner interprets as an executable routine that transforms, i.e. fills the property value).

Regarding claims 10, 21, 33, Resnick et al. discloses transforming the property value to a duration (Column 21, lines 23-28, transforming the property value to a duration of a fill bin).

Regarding claims 11, 22, 34, Resnick et al. discloses detecting a condition with a change in graphic presentation. (Column 11, lines 61-64, alarm information).

Regarding claims 12, 23, 35, Resnick et al. discloses the detected condition relates to a communication status (col. 11, line 60, information gathering, which Examiner interprets as a communication status).

Regarding claims 13, 24, 36, Resnick et al. discloses user input from the user via graphic visualization (col. 8, lines 40-43).

Regarding claims 14, 25, 37, Resnick et al. discloses the executable routine uses the input to cause a change to the property value to effect a runtime environment exterior to the display entity (col. 14, lines 22-34).

Regarding claim 15, it is rejected based upon similar rational as above claim 1. Resnick et al. also discloses a library of graphic objects, each graphic object including a visual representation of a physical or a local entity within the process plant (Fig. 10), a graphically based editor canvas routine that enables a user to define an executable graphic display by placing one or more visual representations of the graphic objects from the library of graphic objects onto an edit-canvas to define a manner in which the one or more visual representations of the graphic objects will be displayed on a display device to a user during execution of the graphic display (base object editor 2034), a property definition canvas routine adapted to enable a user to define a property associated with at least one of the plurality of graphic objects (interface definitions 2002); a binding definition routine adapted to enable a user to specify a binding

between the property and a runtime environment within the process plant (interface definition 2002).

Regarding claim 26, it is rejected based upon similar rational as claim 1 above. Resnick discloses a processor (personal computers 100 and 102); a plurality of graphical object adapted to be executed by the processor (col. 9, lines 9-10, application object executing upon personal computers); a graphical display (personal computers 100 and 102).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-7, 16-19, 27-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Resnick et al., U.S. Patent Number 7,086,009 B2, in view of Joseph et al., U.S. Patent Number 5,485,600.

Regarding claims 2, 16, 27, it is noted that Resnick et al. does not explicitly disclose an animation routine that animates the graphic representations. However, Joseph et al. discloses an animation routine that animates the graphic representations

in response to changes in data values (Column 7, lines 50-55). It would have been obvious to one of ordinary skill to combine the animation of Joseph et al. with the graphic representation of Resnick et al. with the motivation of dynamic control systems and easily know the status of a device.

Regarding claims 3, 17, 28, Joseph et al. discloses animation routine animates the graphic representation in a continuous manner (Column 15, lines 7-14, drawing the objects and redrawing the virtual objects at run time, which Examiner interprets as continuous manner).

Regarding claims 4, 18, 29, it is noted that Resnick et al. does not disclose the animation routine applying at least one of a skew, rotation, a translation and resizing to the graphic representation. However, Joseph et al. discloses animation routine applying at least one of a skew, rotation, a translation and resizing to the graphic representation. (Column 7, lines 43-50). It would have been obvious to one of ordinary skill to combine the animation of Joseph et al. with the graphic representation of Resnick et al. with the motivation of dynamic control systems and easily know the status of a device.

Regarding claims 5, 19, 30, it is noted that Resnick et al. does not disclose the animation routine applying at least one a color animation, or a color gradient animation, or an opacity animation, or a font characteristic animation, or a video property the graphic representation. However, Joseph et al. discloses animation routine applying at

least one a color animation, or a color gradient animation, or an opacity animation, or a font characteristic animation, or a video property the graphic representation (Column 7, lines 43-50). It would have been obvious to one of ordinary skill to combine the animation of Joseph et al. with the graphic representation of Resnick et al. with the motivation of dynamic control systems and easily know the status of a device.

Regarding claims 6 and 31, it is noted that Resnick et al does not explicitly disclose the graphic representation includes two or more primitives and wherein the routine changes a property of one of the primitives. However Joseph et al. discloses graphic representation includes two or more primitives (Fig. 29) and wherein the routine changes a property of one of the primitives (Column 19, lines 32-39). It would have been obvious to one of ordinary skill to combine the graphical representation of Resnick with the multiple graphic primitives with a routine which changes a property of a graphic primitive of Joseph et al with the motivation of having a multitude of different controls in a process system.

Regarding claim 7, Resnick discloses the property of one of the primitives is a fill property (figures 10 and 11).

Response to Arguments

7. Applicant's arguments filed 03/23/09 have been fully considered but they are not persuasive.

Applicant argues Resnick fails to disclose a display entity that includes a display object having the features called for in claim 1. Resnick discloses application objects which a user develops/configures using an editor environment, and defining the entities within a plant and the functionality contained in each object and after defining the individual objects in the plant configuring association between the objects, package management environment and a runtime environment, the graphic/symbol is a part of the object and the graphical attributes of the object follow the object and derived from templates, columns 7-8. Applicant argues that the portion of Resnick cited fails to teach a display object stored on a computer readable medium at Col. 7, Lines 30-48. Resnick discloses in col. 20, lines 4-10, application configurations stored in configuration database and providing an interface to store and retrieve objects of the packages. Therefore Resnick discloses a display object stored on a computer readable memory adapted to be executed on a processor.

Applicant argues that Resnick fails to disclose a property memory adapted to store a value of a property associated with a process entity, and a graphic representation of the process entity adapted to be displayed to a user on a display device when the display object is executed on a processor. Resnick discloses in Col. 11, Lines 29-67 as teaching a property memory adapted to store a value of a property associated with a process entity, and to Col. 12, Lines 5-11 as teaching a graphic representation of the process entity adapted to be displayed to a user on a display device when the display object is executed on a processor. Resnick discloses in col. 19,

lines 36-44, a data structure including a propertyID identifies a property of an attribute, the attribute is within an identified primitive, which is within an automation object. Applicant argues that nothing in the cited passage remotely relates to a display object that includes a graphical representation of a process entity adapted to be displayed to a user on a display device when the object is executed on a processor. Figure 11, displays a graphical representation of a process entity adapted to be display to a user on a display device.

Applicant argues Claim 15 for example calls for a library of graphical objects adapted to be executed by a computer processor, each graphic object including a visual representation of a physical or a logical entity within a process plant, and Claim 15 further calls for a property definition canvas routine adapted to enable a user to define a property associated with at least one of the plurality of graphic objects and a binding definition routine that enables a user to specify a binding between the property and a run-time environment within a process plant. Resnick discloses in col. 8, lines 5-9, that the user develops a single unit/object and the object supports a runtime environment. Resnick discloses in col. 7, lines 2-6, the system developer defines individual devices and functions as entities in a plant each associated in an object. Resnick discloses an object design toolkit for creating and editing objects of a supervisory process control, such as a process plant.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M GOOD JOHNSON whose telephone number is (571)272-7658. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Motilewa Good-Johnson/

Primary Examiner, Art Unit 2628